

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	4:11CR3040
)	
v.)	
)	MEMORANDUM AND ORDER
ERIC TERRELLE HOLMES,)	
)	
Defendant.)	

The defendant has moved to continue the pretrial motion deadline. Filing No. 17. Defense counsel explains he was appointed as new counsel in this matter and has not had time to fully review the discovery and discuss the possibility of pretrial motions with the defendant. Based on the showing set forth in the defendant's motion, the court finds the motion should be granted.

IT IS ORDERED:

- 1) The defendant's unopposed motion to continue, (filing no. 17), is granted.
- 2) The defendant's pretrial motions and briefs shall be filed on or before July 5, 2011.
- 3) Trial of this case is continued pending resolution of any pretrial motions filed.
- 4) The ends of justice served by granting defendant's motion to continue outweigh the interests of the public and the defendant in a speedy trial, and the additional time arising as a result of the granting of the motions, the time between June 1, 2011 and July 5, 2011, shall be deemed excludable time in any computation of time under the requirements of the Speedy Trial Act, for the reason that the parties require additional time to adequately prepare the case, taking into consideration due diligence of counsel, the novelty and complexity of the case, and the fact that the failure to grant additional time might result in a miscarriage of justice. 18 U.S.C. § 3161(h)(7)(A) & (B).

June 2, 2011

BY THE COURT:
s/ Cheryl R. Zwart
United States Magistrate Judge